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# Mr. Casey and intimidation of the press

A CIA Director William J. Casey, upset over government information leaks to the press, chose an unorthodox way to show his displeasure. He named five news organizations he says violated the law by publishing reports on intelligence-gathering relative to Libya.

*The New York Times, The Washington Post, The Washington Times, Newsweek and Time* magazine, the five named, denied any knowledge of legal violations. However, Mr. Casey is reported to have told Deputy Atty. Gen. D. Lowell Jensen of his belief that violations had been committed and raised the question of prosecution.

Further, Mr. Casey warned senior editors of *The Washington Post* that if they published an article they were preparing on the National Security Agency and U.S. intelligence capabilities, prosecution would be a possibility, but it was subsequently reported that he was unable to obtain a Justice Department commitment to that effect.

Mr. Casey did not cite the statute

he thinks has been violated but apparently it is Section 798 of Title 18 of the U.S. enacted in 1950, making it illegal to "knowingly and willfully" disclose classified information about codes or "communication intelligence activities of the United States or any foreign government." It carries a maximum penalty of 10 years in prison and a \$10,000 fine.

The administration's concern over leaks of classified information is understandable, particularly as they may apply to Libya. Officials have every reason to be diligent in their efforts to plug those leaks. Larry Speakes, chief White House spokesman, in offering a broad statement that anyone who violates the law should be prosecuted, noted on Thursday that the Defense Department had recently dismissed an employee for giving classified material to reporters.

Mr. Casey's zeal likewise stems from strong convictions and his dedication to the intelligence community. Unfortunately he has allowed his feelings to carry him into an area

hardly appropriate for a government official. It is one thing to chart strategy against leakers of classified information. It is another for the CIA director to involve himself in a way that clearly approaches intimidation of news gathering organizations.

Responsible members of the media are earnest in their desire not to abuse free press rights by harming national security. *The Washington Post* has demonstrated its concern by delaying publication of the NSA story to which Mr. Casey referred. But no government official has license to determine what shall or shall not be published in the press. That final decision must rest with the publishers as guaranteed by the Constitution.

Should the Justice Department follow Mr. Casey's lead and seek prosecution of the five publications it will be the first time the government has brought such action against the press. If the possibility is being used publicly to intimidate the press, the action deserves widespread condemnation as unjustified interference whether by the CIA or any other agency of the government.